



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,788	06/06/2001	Ronald A. Linyard	EHELP.004A	9002
7590	09/28/2004		EXAMINER	
Patricia J. Rawlins Procopio, Cory, Hargreaves & Savitch LLP 530 B Street Suite 2100 San Diego, CA 92101-4469			LEE, PHILIP C	
			ART UNIT	PAPER NUMBER
			2154	
			DATE MAILED: 09/28/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/876,788	LINYARD ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Philip C Lee	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 June 2001.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-32 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input checked="" type="checkbox"/> Other: <u>Requirement under 37 CFR 1.105.</u> *

**DETAILED ACTION**

1. Claims 1-32 are presented for examination.
2. The information disclosure statement filed 6/6/2001 is not considered. See attached Requirement for Information Under 37 C.F.R. 1.105.

*Claim Rejections – 35 USC 112*

3. Claims 2-3 and 23-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. Claim language in the following claims is not clearly understood:
    - i. As per claim 2, it is unclear if “identifying context” refers to “identifying an operational context” in claim 1, line 3.
    - ii. As per claim 23, it has the same uncertainty as in claim 2 above.

*Claim Rejections – 35 USC 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-2, 10, 12, 21-23 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Culliss, U.S. Patent 6,539,377 (hereinafter Culliss).

7. As per claims 1,12 and 21-22, Culliss taught the invention as claimed comprising:  
receiving a question from a user (col. 3, lines 45-56);  
identifying an operational context that is associated with the received question (col. 3, lines 45-56);  
identifying a category that is associated with the identified context (col. 3, lines 45-56; col. 4, lines 30-59); and

searching for at least one answer to the question, wherein the searching is based at least in part upon the identified category and the received question (col. 5, lines 45-65).

8. As per claims 2 and 23, Culliss taught the invention as claimed in claims 1 and 22 above.

Culliss further taught that identifying context comprises one of the following:

determining which of a plurality of web pages have been visited by the user; identifying the time that the user accessed the plurality of web pages;  
determining a format in which the user transmitted the question; or  
determining the hardware environment of the user (col. 3, lines 57-65).

9. As per claims 10 and 29, Culliss taught the invention as claimed in claims 1 and 22

above. Culliss further taught additionally comprising searching for the answer using at least in part the identified category (col. 6, lines 30-40).

10. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Warthen, U.S. Patent 6,584,464 (hereinafter Warthen).

11. As per claim 13, Warthen taught the invention as claimed comprising:

a suggestion module adapted to provide a list of questions and answers to a user in response to a request for assistance, wherein the list of questions and answers is customized based at least in part upon a category that is associated

with the questions (col. 3, lines 41-51; col. 6, lines 1-8); and

a statistics module adapted to provide the list of questions, wherein the list of questions includes a selected number of frequently asked questions (col. 5, lines 15-25).

12. Claim 32 is rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al, U.S. Patent 6,675,159 (hereinafter Lin).

13. As per claim 32, Lin taught the invention as claimed comprising:  
receiving a plurality of questions; determining whether each of the questions has an associated answer located in a knowledge database (col. 11, lines 45-52);  
storing the questions which have no associated answer located in the knowledge database (col. 11, lines 45-52); and  
receiving at least one new answer from an administrative user for each of the questions stored in the knowledge database which have no associated answer (col. 11, lines 64-col. 12, lines 29).

*Claim Rejections – 35 USC 103*

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of Manduley et al, U.S. Patent 6,768,790 (hereinafter Manduley).

16. As per claims 3 and 24, Culliss taught the invention as claimed in claims 2 and 23 above. Culliss did not teach the determined format as an e-mail message. Manduley taught that the determined format is one of the following:

input from a field in a web page, an e-mail message or an electronic chat question (col. 4, lines 7-41).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Manduley because Manduley's teaching of determining the format would increase the efficiency of Culliss's system by allowing received messages to be sorted according to the message format.

18. Claims 4-6, 9, 25-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of Lin.

19. As per claims 4 and 25, Culliss taught the invention as claimed in claims 1 and 22 above.

Culliss did not teach identifying the question as an unanswered question. Lin taught a similar method comprising:

determining whether a selected one of the at least one answer is associated with the identified context and the received question (col. 11, lines 45-63); and  
if no answer is associated with the identified context and the received question,  
identifying the question as an unanswered question (col. 11, lines 64-65).

20. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Lin because Lin's teaching of identifying an unanswered question would increase the system alertness in Culliss's system by providing a notification of an unanswered question to an administrator (col. 12, lines 20-29).

21. As per claim 5, Culliss and Lin taught the invention substantially as claimed in claim 4 above. Culliss further taught that determining whether any answer is associated with the identified context and the received question comprises determining whether a confidence threshold is exceeded (col. 5, lines 5-7).

22. As per claims 6 and 26, Culliss and Lin taught the invention substantially as claimed in claims 4 and 25 above. Lin further taught additionally comprising associating an answer with the unanswered question (col. 11, lines 64-col. 12, lines 10).

23. As per claims 9 and 28, Culliss and Lin taught the invention substantially as claimed in claims 4 and 26 above. Lin further taught additionally comprising generating an e-mail containing the answer to the question (col. 21, lines 31-39).

24. Claims 11, 16 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of Warthen.

25. As per claim 11, Culliss taught the invention as claimed in claim 10 above. Culliss did not teach user definable description. Warthen taught that the identified category is a user definable description (col. 4, lines 55-56).

26. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Warthen because Warthen's teaching of user definable description would increase the flexibility of the user in Culliss's system by allowing a user to define criteria for matching the context of the question to an answer.

27. As per claim 16, Culliss taught the invention substantially as claimed in claim 12 above. Culliss did not teach providing a list of questions. Warthen taught a similar system adapted to provide a list of questions (col. 5, lines 15-25).

28. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Warthen because Warthen's teaching of providing a list of questions would increase the accuracy of Culliss's system by accounting for the user selection of the provided list of questions to further narrow the search to provide relevant results to the user.

29. As per claims 30 and 31, Culliss taught the invention as claimed comprising:  
identifying a context that is associated with a user (col. 3, lines 45-65);  
determining which of a plurality of categories is associated with the identified context (col. 3, lines 45-56; col. 4, lines 30-59).

30. Culliss did not teach identifying and displaying a plurality of most frequently asked questions. Warthen taught a similar invention comprising:  
identifying a plurality of most frequently asked questions that are associated with the determined category (col. 3, lines 41-51; col. 6, lines 1-8); and  
displaying the most frequently asked questions to the user (col. 5, lines 15-25).

31. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Warthen because Warthen's teaching of providing a list of questions would increase the accuracy of Culliss's system by accounting for the user selection of the provided list of questions to further narrow the search to provide relevant results to the user.

32. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warthen in view of Lin.

33. As per claim 14, Warthen taught the invention as claimed in claim 13 above. Warthen did not teach associating answers with the unanswered questions. Lin taught that the statistics module identifies unanswered questions and additionally comprising an authoring module adapted to associate answers with the unanswered questions (col. 11, lines 64-col. 12, lines 10).

34. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Warthen and Lin because Lin's teaching of identifying an unanswered question would increase the efficiency of Warthen's system by providing answer to an unanswered question without human interaction.

35. As per claim 15, Warthen and Lin taught the invention substantially as claimed in claim 14 above. Lin further taught that the authoring module associates answers with the unanswered questions automatically (col. 12, lines 6-10).

36. Claims 7-8, 19-20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss and Lin in view of Warthen.

37. As per claims 7 and 27, Culliss and Lin taught the invention substantially as claimed in claims 6 and 26 above. Culliss and Lin did teach generating a web page containing the answer. Warthen taught that associating an answer comprises generating a web page containing the answer to the question (col. 4, lines 19-25).

38. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Lin and Warthen because Warthen's teaching of generating a web page containing answer would increase the field of use in their system by allowing the answer to be presented on a software browser.

39. As per claim 8, Culliss, Lin and Warthen taught the invention substantially as claimed in claim 7 above. Culliss further taught additionally comprising providing the associated answer in response to receiving a question from a second user, wherein the associated answer is immediately available to the second user subsequent to the answer being associated with the question (col. 5, lines 22-52).

40. As per claim 19, Culliss taught the invention as claimed for providing user assistance, comprising:

a question module adapted to receive at least one question from a user (col. 3, lines 45-56);  
a context module adapted to identify at least one category that is associated with the context in which the question was received (col. 3, lines 45-56; col. 4, lines 30-59);

a knowledge module adapted to identify an answer to a received question, wherein the answer is derived using at least in part the identified category (col. 5, lines 45-52).

41. Culliss did not teach associating an answer with the unanswered questions. Lin taught a similar invention comprising:

an authoring module adapted to identify unanswered questions and adapted to associate an answer with the unanswered questions (col. 11, lines 64-col. 12, lines 10).

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Lin because Lin's teaching of identifying an unanswered question would increase the system alertness in Culliss's system by providing a notification of an unanswered question to an administrator (col. 12, lines 20-29).

43. Culliss and Lin did not teach providing a list of questions and answers associated with the identified category. Warthen taught a similar invention comprising:

a statistics module adapted to provide a list of questions and answers that are associated with the identified category (col. 3, lines 41-51; col. 6, lines 1-8); and  
a suggestion module adapted to provide the list of questions and answers to the user in response to a request for assistance (col. 3, lines 41-51; col. 6, lines 1-8).

44. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Lin and Warthen because Warthen's

teaching of providing a list of questions would increase the accuracy of Culliss's and Lin's systems by accounting for the user selection of the provided list of questions to further narrow the search to provide relevant results to the user.

45. As per claim 20, Culliss, Lin and Warthen taught the invention substantially as claimed in claim 19 above. Lin further taught that the authoring module associates answers with the unanswered questions automatically (col. 12, lines 6-10).

46. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss and Warthen in view of Warner, U.S. Patent 6,665,655 (hereinafter Warner).

47. As per claims 17-18, Culliss and Warthen taught the invention substantially as claimed in claim 16 above. Culliss and Warthen did not teach arranging the questions in an order. Warner taught that the statistics module arranges the questions in a most frequently asked order or a least frequently asked order (col. 7, lines 15-col. 8, lines 40; col. 9, lines 37-40).

48. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Warthen and Warner because Warner's teaching of arranging the questions in order would increase the user flexibility of Culliss's and Warthen's systems by allowing the results to be presented according to the user's interest.

### **CONCLUSION**

49. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.

Wen-Ja L

9/17/04

**Requirement for Information Under 37 C.F.R. 1.105**

1. Applicant and the Assignee of this application are required under 37 C.F.R. 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
2. The information is required to identify whether the information disclosed to the public before the critical date contains any non-obvious elements in the current claims.
  - i. In response to this requirement, please provide further detail information regarding AskJeeves.com that was intended as an IDS item filed with the instant application, including copies of relevant documents (e.g., patents, services, and products) that Applicants believe to be relevant to their invention.
3. The fee and certification requirements of 37 C.F.R. 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement

under 37 C.F.R. 1.105 are subject to the fee and certification requirements of 37 C.F.R. 1.97.

4. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

5. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 C.F.R. 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

6. This requirement is an attachment of the enclosed Office action. A complete response to the enclosed Office action must include a complete response to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action, which is THREE months.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721.

Art Unit: 2154

The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

Alan Jan L  
9/17/04